

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
Amended Citizens Utility Board Petition for)	NSD File No. L-01-161
Expedited Permanent Waiver of 47 C.F.R.)	
Section 52.19(c)(3)(ii))	CC Docket No. 96-98

**COMMENTS OF THE
CELLULAR TELECOMMUNICATIONS & INTERNET ASSOCIATION**

The Cellular Telecommunications & Internet Association (“CTIA”)^{1/} hereby submits these comments on the Illinois Citizens Utility Board’s (“CUB”) petition requesting a permanent waiver of the Commission’s requirement^{2/} to implement mandatory ten-digit dialing as an element of its overlay relief plans for the geographic areas covered by the 847 and 224 numbering plan areas (“NPA”).^{3/}

INTRODUCTION

CTIA continues to support the Commission’s well-established decision that ten-digit dialing for areas subject to NPA overlays is essential to full and fair competition. Granting a permanent waiver of the Commission’s ten-digit dialing requirement in the 847 and 224 NPAs is senseless considering the discriminatory effects of area code overlays. CTIA believes, however,

^{1/} CTIA is the international organization of the wireless communications industry for both wireless carriers and manufacturers. Membership in the association covers all Commercial Mobile Radio Service (“CMRS”) providers and manufacturers, including cellular, broadband PCS, ESMR, as well as providers and manufacturers of wireless data services and products.

^{2/} 47 C.F.R. § 52.19(c)(3)(ii).

^{3/} Amended Citizens Utility Board Petition for Expedited Permanent Waiver of 47 CFR Section 52.19(c)(3)(ii) (filed Oct. 4, 2001) (“CUB Petition” or “Petition”).

that based on the limited circumstances described in the Petition, extending the expiration date of the waiver of the ten-digit dialing rule is warranted, but only until November 24, 2002, or as soon as thousands-block number pooling (“pooling”) is available in the 847 and 224 NPAs.^{4/}

DISCUSSION

In both of its previous grants of temporary waivers to the Illinois Commerce Commission (“ICC”) of the ten-digit dialing rule, the Commission limited the length of the waivers to alleviate anti-competitive effects and established mandatory expiration dates based on the NANPA exhaust projections for the 847 NPA.^{5/} The Commission rejected a potentially endless waiver of ten-digit dialing, emphasizing that, in the absence of ten-digit dialing, an overlay can work to the disadvantage of competitors and their customers by creating dialing disparity between certain groups of users.^{6/} Further, the Commission noted that ten-digit dialing alleviates customer confusion because users in both the new and original NPAs are required to dial the same number of digits for all calls.^{7/}

^{4/} The Commission granted the ICC a temporary waiver of the mandatory ten-digit dialing rule in the 847 NPA that ends January 7, 2002. *See* Expedited Petition of the Illinois Commerce Commission to Reset the Mandatory Expiration Date of its Temporary Waiver of 47 CFR Section 52.19(c)(3)(ii) to Reflect the Exhaust of the 847 NPA, the First of Five Area Codes in the Chicago Metropolitan Area to Reach Exhaust, *Order* (2001) (“Second Waiver Order”).

^{5/} *See* Illinois Commerce Commission Petition for Expedited Temporary Waiver of 47 CFR Section 52.19(c)(3)(ii), *Order*, NSD File No. L-99-65, CC Docket No. 96-98, (rel. March 2, 2000) (“Order”) at ¶ 1; *Second Waiver Order* at ¶ 1. The Illinois Commerce Commission (“ICC”) petitioned the Commission for a temporary waiver in 1999 and filed a petition for a further extension of its temporary waiver in 2001. *See Petition of the Illinois Commerce Commission for Expedited Temporary Waiver of 47 C.F.R. Section 52.19(c)(3)(ii)* (filed Aug. 10, 1999) (“ICC Petition”); *Expedited Petition of the Illinois Commerce Commission to Reset the Mandatory Expiration Date of Its Temporary Waiver of 47 C.F.R. Section 52.19(c)(3)(ii)*, NSD File No. L-99-65, CC Docket No. 96-98 (filed Feb. 1, 2001) (“ICC Second Petition”).

^{6/} *Order* at ¶ 7; *Second NRO Order* at ¶ 70; *Implementation of Local Competition Provisions in the Telecommunications Act of 1996*, Second Report and Order, CC Docket No. 96-98, ¶ 287 (rel. August 8, 1996) (“*Second Local Competition Order*”).

^{7/} *Second Local Competition Order* at ¶ 287.

Accordingly, the Commission should continue to reject requests from state commissions for unnecessarily long extensions of temporary waivers or permanent waivers of the Commission's ten-digit dialing requirement. Contrary to the CUB's assertions, the Commission correctly determined that local number portability ("LNP") did not resolve dialing disparity for new customers of new competitors.^{8/} While the CUB recognizes the "problem of dialing disparity," it claims that LNP will eliminate the anti-competitive impacts of technology-specific overlays. To the contrary, the implementation of LNP will not diminish the discriminatory impact of technology-specific overlays. In its most recent Order, the Commission determined that it must balance the need for numbering resources with "the potentially anti-competitive effects of an extended delay in 10-digit dialing."^{9/}

Ten-digit dialing is an important number conservation measure because it extends the life of area codes by making Central Office codes available, which otherwise could not be assigned. In addition to its number conservation benefits, ten-digit dialing reduces calling errors. Furthermore, in areas where state commissions continue to allow seven-digit dialing across area code boundaries, switch translations are not programmed to distinguish between area codes in adjacent rate centers, effectively stranding the use of certain blocks of numbers. To avoid this problem, in 1999, the metropolitan area of Kansas City implemented ten-digit dialing to make available a new set of unassigned numbers. If seven-digit dialing were retained in metro-Kansas City, the same number could not be assigned in both the "913" and "816" area codes. In fact, in areas where there is seven-digit across area code boundary dialing, the codes are marked as

^{8/} See Petition at 12 (*citing* Second Report and Order at ¶300; ¶307).

^{9/} See Joint Petition of the New York State Public Service Commission, the New York State Consumer Protection Board and the City of New York for an Expedited Temporary Waiver of 47 CFR Section 52.19(c)(3)(ii), *Order* (Dec. 26, 2001) (granting an eight-month waiver of ten-digit dialing instead of the requested fourteen month waiver).

“protected” for seven-digit dialing in the NANPA database. In reaching a decision to implement ten-digit dialing, the state commissions in Kansas and Missouri agreed with what other cities, including St. Louis and Dallas, had already determined to be a more efficient use of numbering resources. Likewise, the Illinois Commerce Commission has determined that mandatory ten-digit dialing is a necessary part of its 847 NPA relief plan, and has started preparing to implement mandatory ten-digit dialing on January 5, 2002.^{10/}

With the increasing demand for numbering resources, the need to assign numbers efficiently is critical and ten-digit dialing is an important component in the national number conservation strategy. There is no question that in certain NPAs, the elimination of “protected” codes would delay number exhaust. For this reason, the Commission’s rules require overlay codes to be accompanied by mandatory ten-digit dialing.

Based on the foregoing analysis, the Commission should deny the CUB’s request for permanent waiver of the ten-digit dialing rule. If the Commission determines that a temporary waiver is warranted, CTIA strongly recommends that the Commission grant a temporary waiver on the condition that mandatory ten-digit dialing commence no later than November 24, 2002, the deadline for the implementation of thousands-block number pooling.

^{10/} See North American Numbering Plan Administration (“NANPA”) Planning Letter No. 127 on 847 NPA (Oct. 17, 2001), available at <http://docs.nanpa.com/pdf/pl-305v1.pdf>.

CONCLUSION

For the foregoing reasons, CTIA requests that the Commission deny the CUB's petition to permanently waive the Commission's ten-digit dialing rule in the 847 and 224 NPAs. If the Commission grants a further extension to the existing temporary waiver of the Commission's ten-digit dialing requirement, the waiver should expire November 24, 2002, or as soon as thousands-block number pooling ("pooling") is available in the 847 and 224 NPAs.

Respectfully submitted,

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Dated: December 28, 2001